

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THERASENSE, INC. et al.,

No. C04-02123 MJJ
No. C05-03117 MJJ
No. C04-03732 MJJ
No. C04-03327 MJJ

Plaintiffs,

v.

BECTON, DICKINSON AND COMPANY,

**ORDER REGARDING CLAIMS
CONSTRUCTION LIMITS**

Defendants et al..

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On September 23, 2005 the Court related patent cases 04-2123 and 05-3117. The parties to these two matters each seek separate claims constructions from the Court. Pursuant to the Court's Patent Standing Order Rule 3, the Court will, as an initial matter, construe no more than 10 patent claims total. The Parties to Case Nos. 04-2123 and 05-3117 are hereby **ORDERED** to revise their claims construction requests so that each requires the Court to construe no more than **5** claims apiece, for a total of **10** claims.

1 By default, the parties to Cases No. 04-2123 and 05-3117 shall be permitted up to **5** claims
2 apiece. However, the parties may meet and confer and stipulate to a different allocation between the
3 two claims construction requests for the Court to construe such that the total amount of claims
4 construed by the Court does not exceed **10** claims. The parties shall submit their revised claims
5 construction requests by **March 30, 2006**. If a party has previously submitted claims construction
6 statements or briefs, that party should submit revised briefs or claims construction statements by
7 March 30, 2006; these revised papers shall reflect those claims that the parties have chosen. Should
8 it prove necessary, the Court will construe additional claims at a later time.

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10 **IT IS SO ORDERED.**

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13 Dated: March 16, 2006

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MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE